

Robert Bagley
Former Associate MFT
Former MFT License Applicant

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Exhibit A

Personal narrative
summarizing steps taken to
address violations

Message from Rich Oborn:

Rob,

Prior to the Board meeting, it would be helpful if you could submit to me a letter from your therapist addressing your progress in therapy. We want confirmation of the following: (1) that the therapist is fully aware of all reasons why your prior MFT application was denied; and (2) your progress in therapy.

In addition, please submit a letter outlining steps you have taken to address each of your prior violations. Violations include your inappropriate dual relationship with a client and your failure to be honest in your prior MFT license application. Please let me know if you have any questions.

Summary of My Progress Relative to the Board's Concerns

by

Robert E. Bagley, PhD

Steps I have taken to avoid Dual Relationships in the future

In order to address my prior violation of the ethics code pertaining to dual relationships I have participated in counseling at Suncrest Counseling through which I have gained greater insight that will help me avoid dual relationship problems in the future. I have also taken 48 hours of continuing education during the last two years, including 7 hours of professional ethics. I have also done personal reading on emotionally focused therapy and explored how attachment-related issues played a role in my ethics violations.

My Previous Blindspots

Ever since graduate school I have known that a sexual relationship between a therapist and a client was inappropriate. The AAMFT Code of Ethics makes clear that such a relationship would be a violation of professional ethics unless at least two years had elapsed and even then it would be highly suspect of being unprofessional and unhealthy.

This seemed reasonable and I could not imagine why I would need to really think much more about it. I had been a virgin at marriage, sexually faithful for 18 years of marriage and have strong moral beliefs that any sexual relationship outside of marriage is morally wrong.

When I imagined scenarios in which a dual-relationship might developed I imagined: 1) A therapist seducing a client who trusted him into a sexually exploitive relationship to satisfy his lust. 2) A situation where there was mutual, sexual and emotional attraction between therapist and client and the emotional intimacy of therapy led to sexual intimacy, because the therapist did not keep professional boundaries.

I could not imagine the first situation ever being a problem for me. I could imagine the second situation as a potential problem and tried to be honest with myself when I noticed that I was treating a client who I found physically and emotionally attractive, to make sure that I was self-aware and to keep our conversations strictly therapeutic and our boundaries professional.

In the dual-relationship that developed with Jane Doe I felt no initial physical or sexual attraction to her and therefore made the mistake of not keeping my "guard up" in order to be vigilant and ensure that I was keeping our relationship on a strictly professional level.

I was not seeking a sexual relationship with Jane. I didn't initiate conversations proposing such a relationship. My thoughts were to help and protect her through the difficulties and dangers that she was reporting to me. For these reasons, I did not **initially** see my behavior as exploitive or self-serving. I thought I was making sacrifices to help her. I am embarrassed to admit that this ultimately led to giving her the sexual relationship that she said she needed to feel loved.

Regardless of who initiated the sexual relationship, I now realize that the relationship was meeting some of my unmet emotional needs and therefore was an abuse of the trust and position of power that I held as Jane's therapist. It was my responsibility to realize negative impact that such a relationship would have on Jane and to trust the wisdom of the counseling profession -- that such relationships are harmful to both the patient and the profession.

A Good Therapist is like a Good Parent

Children often protest when it is time for them to go to bed - they may panic at the thought of being separated from a parent that they love and who makes them feel safe, but it is a poor parent who fully lets the child's emotional protest - as compelling as that can be -- dictate the boundaries and rules of the parent-child relationship. The parent must be wise enough to know that giving in to every need and wish of the child will not ultimately be good for the child or the parent.

Similarly, I should have viewed my therapeutic relationship with Jane Doe through a similar lens and given her what she needed (appropriate therapeutic care with professional boundaries) rather than what she was pleading for (being rescued and validated).

A Good Therapist encourages self-reliance and cannot solve all the clients problems.

Another error of judgement or ego that I made was accepting the clients view that I was the only one that she could trust and the only one who could help her.

Jane was reportedly suicidal and overtaking her prescribed pain killers. I did engage her mother-in-law who she lived with to see if she could be a resource for Jane - Jane ultimately rejected this. I engaged her Bishop to be a resource and support for her - this resource ultimately failed. I engaged her personal physician -- who was unsure how she could help. Jane told me that her husband was being abusive and so I didn't trust him as a resource. Jane threatened that if I sent her to a psychiatric hospital she would never trust me again. I felt I was running out of ways to help her when I had already done too much. I scheduled more frequent appointments with Jane, but when she wouldn't show up I feared for her safety. I made a

fundamental error in judgement. I erroneously decided that I would go check on her at her home and this developed into a conditioning where she knew that if she didn't show up for her appointment it would increase the attention she got from me.

What I would do differently now

With Jane I would still be compassionate and concerned for her welfare, but I would ensure that my interventions were helping Jane to be more independent and not more dependent on me. If Jane did not feel she was able to keep herself safe from suicide, and her family was unable or unwilling to keep her safe then I would engage the available community resources (police, hospitals) and accept that doing so may affect the therapeutic relationship.

Had I taken this approach Jane would likely have tested the boundaries - eventually learned that I was committed to be a resource for her, but not a savior. She would then have to make a choice as to whether the benefits of therapy were important enough to her to come. Having observed Jane's behavior for several years following the time when she was my client, I suspect that she would have dropped out of therapy, but she would have survived. She was much more resilient than I realized.

I would also be more internally skeptical - less likely to take everything the client told me at face value. More diligent to try to obtain collateral information to assess whether the dangers that Jane reported were perceived or actual. Furthermore, rather than just consulting with my supervisor on technical aspects of therapy I would seek to bring transference/counter-transference issues into the dialog with my supervisor. Being particularly aware of times where I was feeling pulled into being in a position of a rescuer.

The Importance of Self-Care

My first wife is a good person and a great mother. It is no small task to be a mother to six children and to bear the majority of the child care and homemaking task largely by oneself.

I was aware that one of the strongest ways I experienced emotional intimacy was through sexual intimacy. I had discussed my desires and needs in this area at least annually for 18 years and much more frequently in the beginning of our marriage. Each time my wife would seem to make a more concerted effort to prioritize time for quality sexual intimacy for a week or two and then everything would go back to normal.

I never seriously considered getting professional help with our marriage, because I thought it was "pretty good." I would tell myself, "People aren't perfect, there are no perfect matches, and you've got to make the best with what you have." However, I often felt sad, lonely and neglected.

I felt that it would be selfish for me to speak more often about my needs and desires and that I should just try harder to help her more, be unselfish and hope that she might have some energy left over for my needs.

Clearly, neither of us recognized the vulnerability that this approach put our marriage in.

When I had clients who were emotionally vulnerable, transparent and "real", the experience of those relationships was meeting needs of mine in ways that I did not fully realize at the time. This combination of not being able to find a consistent way to feel emotionally connected or validated by my wife and my lack of awareness of how my emotional needs and validation was being fulfilled through my therapeutic work; was a contributing factor to my poor decision making and ethical violations.

How will these insights help me be a better therapist in the future?

Because of these new insights I now see taking care of my own emotional needs as not a purely selfish act, but a foundational requirement for both the health of my personal relationships and my ability to be an effective and ethical provider of mental health therapy.

How have my behaviors changed as a result?

After divorcing Jane Doe I began to participate in activities for singles through my church. I have noticed that I am most drawn to people who are willing to be transparent and emotionally vulnerable. I find that in these type of friendships I am more comfortable being transparent and emotionally vulnerable myself. I have shared my mistakes with the new friends that I have made - including the painful personal and professional consequences. I have taken a similar approach in my church community. To my great relief and satisfaction I have found that by being more open about myself, my strengths, weaknesses, failures and successes I have developed deeper, more emotionally intimate relationships with friends and fellow church members.

I have also taken the same approach with dating relationships. I am open and honest about my past mistakes and what I want from a relationship in the future.

When I have seen myself, repeating some relationship patterns from the past -- such as giving too much preference to what a dating partner wants at the expense of something that is very important to me -- I have been able to have open and honest conversations and make course corrections.

As I consider future partners, I am being deliberate to evaluate whether we will be able to communicate openly and meet each other's needs for emotional closeness and validation. However, I no longer feel that a future marriage relationship needs to be the only resource for getting my emotional needs met.

I have developed a handful of close friends some male and some female that I feel comfortable reaching out to when I want to share concerns or get advice on something. During my first marriage I tried to get all of these needs met through my wife. I now feel that it is unrealistic and somewhat dangerous to depend on one person for all of my needs. I still feel that sexual needs should be fulfilled only within marriage, but there are many other emotional needs that can be met not only by one's spouse, but also through family, close friends and a supportive church community.

Steps I have taken to address my dishonest behavior in the past

Insights gained from observing my behavior more closely

All of my life I have always valued honesty and integrity. I didn't even like to tell "white lies" or jokes that required me to temporarily lie. When I was confronted by my efforts to be deceptive in my 2009 application for an Alaskan MFT license it caused me serious introspection.

Following my meeting with the board I went back to Arizona where I was working as a waiter at the Olive Garden. One evening I was visiting with a guest about their family and shared that I have six children the guest then asked me some question about my wife and children and I noticed that I lied to the guest to cover up my shame I was divorced and didn't even live in the same state as my children.

As I reviewed my motivation for this lie I realized that I have a lot of shame about my failed marriage. It is embarrassing to me that I am divorced, and that I do not live in the same house as my children. Even though I was talking to a stranger, I was too ashamed of my separation from my children to feel like I could tell the truth.

I had found one clue to explain my motivation to lie - SHAME

I thought back to that time when I applied for an Alaskan MFT license. After I was no longer able to practice therapy, I was barely surviving financially working door to door washing windows, shoveling snow and putting up Christmas lights. I was ashamed of the lowly financial and social status I had fallen to and I was afraid that Jane and I would end up homeless. I justified that I had to get another good job to survive -- Emotions involved: PRIDE, SHAME, FEAR

When we were living in Alaska I got a job, that did not require a mental health license teaching Parenting Classes to Juvenile Delinquents and their parents. My codependent, enabling relationship with Jane Doe kept us in constant financial crisis. Jane persuaded me to get a pawn loan on a work projector. When my job ended and I didn't have the money to reclaim the projector I was asked about it and I lied about what had happened to the projector -- Emotions involved: FEAR, SHAME, PRIDE.

The Truth is Easier

As I have become more comfortable acknowledging my weaknesses and imperfections to others I find that my fears about others knowing of my failures have decreased significantly. Most people have done things in their life that they regret. Many people have experienced failed marriages and have made poor judgements based on emotional motivations. I have found that it takes far less emotional energy to just tell the truth - the good, the bad and the ugly. Those people who spend enough time with me come to know that I am an imperfect person who has made mistakes but is sincerely trying to do good and be good. If the mistakes of my past

are too much for some to want to continue a relationship with me than I would rather know that sooner than later.

If You Have Nothing to Hide You Have No Reason to Lie

Prior to my dual-relationship violation, I really had not done much in my life that I felt I needed to hide or lie about. If I felt I had not lived up to my religious code of values I confessed that to my church leader, but other than that I can't recall situations where I felt motivated to cover up something I had done.

Apologies and Restitution

As I have worked through my personal list of apologies I found I was troubled about the fact that I had pawned the work projector and then lied about it.

As I considered admitting my lie to my former supervisors, fear, pride, shame all encouraged me to keep it to myself.

I was concerned that if I put my confession and apology in writing that there was the possibility that I could be prosecuted for what I had done.

I considered just sending cash to my previous employer without saying what it was for, but I felt I needed to admit what I had done wrong, try my best to make it right and accept whatever consequences might come.

I wrote my apology acknowledging full responsibility for my both my lie and theft and asking what I could do to make restitution.

It was a great relief when my former supervisor was gracious and forgiving and willing to accept financial restitution for the projector.

What I Have Experienced Will Make Me a Better Therapist

If I had a time machine I would go back in time and choose more wisely. Nevertheless, the experiences that I have gone through will make me a more compassionate, more empathetic and more careful therapist than I was before.

On a personal level I now know:

- The pain that could be avoided if a couple is able to repair their marriage rather than get divorced.
- How hard it is to recover a former spouses trust following infidelity.
- How much it hurts to have a spouse be sexually unfaithful.
- How one can come to justify a co-dependent, enabling relationship with a family member with a drug addiction.
- How one's strengths (caring and compassion), if not carefully balanced with appropriate boundaries can become weaknesses and liabilities.

- The embarrassment and shame of having made stupid, illogical decisions as a result of unconscious emotional needs and rationalizations.

I have heard it said that some of the best addiction counselors are those who have personally struggled and overcome their own addictions. They bring a unique understanding and credibility because of their own experiences.

My experiences have brought me a greater understanding of human frailty and the great importance of taking care of one's self and one's primary relationships.

It is now painfully clear to me that codes of ethics and professional guidelines are based on a long history observing the very real dangers that can arise in therapy. They are put in place to protect the patient, the therapist, and the good will and public trust of the profession itself.

It is my sincere hope that the board will give me another chance to demonstrate that I can take what I have learned and help others. I will use wisely the resources of supervision and peer consultation and be vigilant in maintaining professional boundaries for the benefit of both those I help as well as myself.

Exhibit B

Letter from therapist
summarizing progress in
therapy

Exhibit C

Minutes from May 31,
2013 meeting with Mr.
Bagley

**MARRIAGE AND FAMILY THERAPIST
LICENSING BOARD MEETING
May 31, 2013 / Minutes**

Robert Bagley, applicant interview

Discussion:

Mr. Oborn reviewed the violations the Division had with Mr. Bagley before his license expired in February 2009. Mr. Bagley's application in Alaska was denied in March 2010. Mr. Bagley applied for reinstatement of his Utah license in 2013.

Mr. Bagley met with the Board. Mr. Smith motioned to close the Board meeting at 10:35 A.M. to discuss the character, professional competence, or physical or mental health of an individual. The motion was seconded by Dr. Springer. There were no written notes taken. There was no recording made. The Board meeting opened at 11:05 A.M.

Dr. Springer made a motion to deny the application Mr. Bagley submitted and for him to obtain a year of individual therapy with someone recognized by the Arizona Board. The Board suggested that the therapist address issues relating to ethical decision making, boundary issues, transference, and counter transference. At the end of the year, the Board suggested that he complete a second psychological evaluation. The motion was seconded by Mr. Smith and carried unanimously.

Exhibit D

June 2013 MFT license
denial letter



State of Utah
Department of Commerce

Division of Occupational and Professional Licensing

GARY R. HERBERT
Governor

FRANCINE A. GILANI
Executive Director

MARK B. STEINAGEL
Division Director

June 3, 2013

ROBERT BAGLEY
710 E 3rd ST
MESA AZ 85203

Subject: Denial of application for Licensure as a Marriage and Family Therapist

Dear Mr. Bagley

After a review of the information contained in your application for licensure as a marriage and family therapist, the Division has determined that you have not met the qualifications for licensure and that you have engaged in unlawful and unprofessional conduct. Therefore your application for licensure as a marriage and family therapist is properly denied. The criteria used to review your application and the basis for the denial are as follows:

Utah Code Ann. § 58-1-301(2) provides in relevant part as follows:

- (a) A license shall be issued to an applicant who submits a complete application if the division determines that the application meets the qualifications of licensure.
- (c) A written notice of denial of licensure shall be provided to an applicant who submits a complete application if the division determines that the applicant does not meet the qualifications of licensure.

Additionally, as stated in Utah Code Ann. § 58-1-301(3):

Before any person is issued a license under this title, all requirements for that license as established under this title and by rule shall be met.

Utah Code Ann. § 58-1-401 provides in relevant part as follows:

- (1) The division shall refuse to issue a license to an applicant and shall refuse to renew or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a licensee who does not meet the qualifications for licensure under this title.
- (2) The division may refuse to issue a license to an applicant and may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public or private reprimand to, or otherwise act upon the license of any licensee in any of the following cases:

- (a) the applicant or licensee has engaged in unprofessional conduct as defined by statute under this title,

Utah Code Ann, § 58-60-305(1) provides in relevant part that an applicant for licensure as a Marriage and Family Therapist shall

- (c) be of good moral character,

Utah Code Ann § 58-1-501 (1) defines "Unlawful Conduct" in relevant part as conduct by an applicant for licensure including the following in relevant part

- (c) obtaining a passing score on a licensure examination, applying for or obtaining a license, or otherwise dealing with the division or a licensing board through the use of fraud, forgery, or intentional deception, misrepresentation, misstatement, or omission,

Utah Code Ann § 58-1-501(2) defines "Unprofessional Conduct" in relevant part as conduct by an applicant for licensure including the following in relevant part

- (b) violating, or aiding or abetting any other person to violate, any generally accepted professional or ethical standard applicable to an occupation or profession regulated under this title,

Utah Admin Code § R156-60b-502 identifies the following acts as "Unprofessional Conduct" for a licensed Certified Marriage and Family Therapist and a Marriage and Family Therapist as follows

- (5) failing to establish and maintain appropriate professional boundaries with a client or former client,
- (6) engaging in dual or multiple relationships with a client or former client in which there is a risk of exploitation or potential harm to the client,
- (7) engaging in sexual activities or sexual contact with a client with or without client consent,
- (8) engaging in sexual activities or sexual contact with a former client within two years of documented termination of services,
- (9) engaging in sexual activities or sexual contact at any time with a former client who is especially vulnerable or susceptible to being disadvantaged

because of the client's personal history, current mental status, or any condition which could reasonably be expected to place the client at a disadvantage recognizing the power imbalance which exists or may exist between the marriage and family therapist and the client.

- (19) failure to abide by provisions 1 to 8.8 of the Code of Ethics of the American Association for Marriage and Family Therapy (AAMFT) as adopted by the AAMFT effective July 1, 2001, which is adopted and incorporated by reference

The Code of Ethics of the American Association for Marriage and Family Therapy (AAMFT) as adopted by AAMFT effective July 1, 2001, reads in relevant part as follows

1.3 Marriage and family therapists are aware of their influential positions with respect to clients, and they avoid exploiting the trust and dependency of such persons. Therapists, therefore, make every effort to avoid conditions and multiple relationships with clients that could impair professional judgment or increase the risk of exploitation. Such relationships include, but are not limited to, business or close personal relationships with a client or the client's immediate family. When the risk of impairment or exploitation exists due to conditions or multiple roles, therapists take appropriate precautions.

1.4 Sexual intimacy with clients is prohibited.

1.5 Sexual intimacy with former clients is likely to be harmful and is therefore prohibited for two years following the termination of therapy or last professional contact. In an effort to avoid exploiting the trust and dependency of clients, marriage and family therapists should not engage in sexual intimacy with former clients after the two years following termination or last professional contact. Should therapists engage in sexual intimacy with former clients following two years after termination or last professional contact, the burden shifts to the therapist to demonstrate that there has been no exploitation or injury to the former client or to the client's immediate family.

In your first application for licensure dated February 19, 2009, you answered "Yes" to question number 5 on the Qualifying Questionnaire regarding currently being under investigation by the Division of Occupational and Professional Licensing. Information obtained in the investigation indicated that as a Certified Marriage and Family Therapist Intern, you engaged in a sexual relationship with a female client, Jane Doe, beginning in about August 2008. The sexual relationship began approximately two weeks before a formal termination of therapy. At the time, the Division found that your conduct constituted "unprofessional conduct" as defined in the above-referenced laws and the AAMFT Code of Ethics. These findings caused the Division to deny your 2009 MFT license application. Upon review of your current application, the Division found little clinical evidence of rehabilitation of the highly inappropriate behavior that

constituted the unprofessional conduct

Documents obtained by the Division confirm that you were denied MFT licensure in the State of Alaska in March 2010. The denial was based on your sexual relationship with Jane Doe and the strong appearance of intentionally securing a license from the State of Alaska through deceit and misrepresentation. Documents obtained by the Division confirm you represented in writing to Alaska that your 2009 Utah MFT license application was denied due your inability to pay the license application fee. As you know, this was not true. The June 8, 2009 denial letter confirms the Division denied your application due to your engaging in unprofessional conduct by having a sexual relationship with your client. By failing to disclose the true basis of the 2009 Utah MFT license denial, the Division finds that you applied for a license through the use of intentional deception, misrepresentation, misstatement, or omission. This constitutes unlawful conduct as defined in Utah Code 58-1-501 (1)(e).

You engaged in unlawful conduct as defined in Utah Code 58-1-501 (1)(e) a second time when you failed to disclose the 2010 Alaska MFT license denial in your current MFT license application. This pattern of intentional deceit, misrepresentation, and omission of the facts causes the Division to question your ability practice as a MFT.

The Marriage and Family Therapy Licensing Board reviewed your application on May 31, 2013 and found that the serious nature of the unlawful and unprofessional conduct referenced above provided a sufficient basis under Utah law to deny your current application for licensure as a MFT. The Division agrees with the Board's recommendation.

It is recommended that you not reapply for licensure as a MFT for a period of at least one year after the date of this letter. Before you reapply, the Division recommends that you engage in individual clinical therapy with a licensed mental health therapist to address the following:

- (1) Psychological issues identified in Dr. Scott Fidler's psychological evaluation including what personality/development/emotional issues led you to engage in a sexual relationship with client including but limited to decision making, boundaries issues with clients, and transference and counter-transference, and
- (2) Your pattern of intentional deceit, misrepresentation, and omission of facts as evidenced in your Alaska 2010 MFT license application and the current Utah MFT license application.

The Division also recommends that you complete a second psychological evaluation by a DOPM approved evaluator after at least one year of individual therapy but before you reapply for a MFT license. The evaluation should report on your clinical progress in the rehabilitation of psychological issues referenced in items (1) and (2) above.

AGENCY REVIEW

Agency review of the denial of your request to obtain a license may be obtained by filing a request for agency review with Francine Gianti, the Executive Director, Department of Commerce, PO BOX 146701, Salt Lake City, Utah 84114-6701, within 30 days of the date of this letter. The Executive Director may elect to conduct ordinary agency review or to convene a special appeals board.

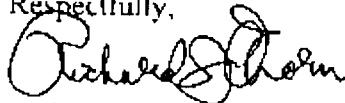
Please find enclosed instructions concerning agency review. The laws and rules governing agency review are found at Utah Code Ann. 58-1-402 and 63-46b-12 and Utah Admin. Code R151-46B-12.

OPERATING AS A MARRIAGE AND FAMILY THERAPIST WITHOUT A LICENSE, PENALTIES

Please be advised that until and unless an application for licensure is completed and approved by the Division, you cannot legally be involved in working as a Licensed Substance Abuse Counselor. Pursuant to Utah Code Ann. § 58-1-502, any person working as a Marriage and Family Therapist without the appropriate license is guilty of a Class A Misdemeanor.

Please feel free to call me at the number below if you have any questions.

Respectfully,



Richard J. Oborn, MPA

Bureau Manager

Division of Occupational and Professional Licensing

Exhibit E

May 2013 personal
narrative

May 18, 2013

Dear Utah MFT Board Members

I am writing to acknowledge that my conduct in relationship to my client Jane Doe was both unethical, unprofessional and immoral. I deeply regret my actions and I want to assure you that I will never again repeat such behavior. I am requesting that you approve my application to practice as a Marriage and Family Therapist.

I will try to briefly summarize the factors and conditions that I believe contributed to my unethical and immoral decision. They include mental difficulty, stress, pride, self-righteousness and lack of awareness about my weaknesses.

Mental Difficulty

I was married for 18 years to a wonderful woman who is an excellent mother to our children. The only ongoing challenge in our marriage was a lack of sexual and emotional intimacy. My wife was very focused on our children and had little interest in sexual or emotional intimacy. I had tried many times over the years to explain to her how important this connection was to me, but I frequently felt neglected and lonely.

Stress

During my two years as a Marriage and Family Therapy Intern, I was working 30 hours a week for Feature Films for Families and 30+ hours a week as a Therapy Intern. In addition, I was responsible for teaching the Sunday School class every week at my church. When I would come home after a 12-hour day, working two-jobs, there was housework to help with, children to read stories to and an exhausted stage-mom wife who was understandably preoccupied with the auditions and activities that our children were involved with. Intimacy with my wife was often a half-hearted, distracted activity that occurred on the weekend, if she was in the mood, and didn't have an exercise class scheduled in the morning.

Pride & Self-Righteousness

I had been 100% faithful to my wife for 18 years and was a virgin when we married. I had felt normal sexual attraction to various women over the years, but through prayer and self-discipline, I resisted the temptation to act on these feelings, as well as avoiding pornography and other temptations. I had served in many different leadership capacities in the LDS Church (Bishoprics, President of various organizations, Sunday School teacher, Scoutmaster, etc.) and felt that I was a spiritual person who had the moral strength and self-discipline to avoid major temptations. I tried to follow spiritual intuition in my life and

felt that God had inspired me many times when I needed to make important decisions. I believed I was capable of following God's will for my life.

When I began practicing therapy I found it very fulfilling. My supervisor praised me and told me he was impressed with how quickly I was able to grasp the concepts and techniques that he was teaching me. When his schedule was too full he would often refer the more complex clients to me. He trusted that I would be the most qualified therapist in the clinic to treat them. This flattered my pride, and I felt that I was a very gifted therapist. This hubris was compounded by many clients who reported that my work with them was more helpful than any previous therapists.

Lack of Awareness of My Weaknesses and Transference/Counter-Transference

I had developed personal strategies in life to avoid sexual temptation. I had not realized the importance of developing strategies to deal with emotional attraction to people. When I began working with Jane she seemed so helpless and vulnerable. She told me that she was dying of cancer, that she was abused by her husband, that she had been horribly sexually abused and tortured by a Satanic cult led by her father growing up, that she had been moved from one foster home to another - being sexually victimized in almost every home. My heart was filled with compassion towards her. I wanted to protect her and make sure that she was safe. I wanted to ensure that her mind and heart were healed from all the horrible traumas she had experienced. She would often dissociate to a child alter state during sessions and this further evoked feelings in me that she was like a vulnerable child that needed to be protected. She told me that I was the only one that she trusted, the only one that cared and could help her. She also told me that she was struggling with serious suicidal thoughts. All of these behaviors evoked in me a powerful feeling to rescue her.

When she wouldn't show up to her appointments I would worry that she was in danger of committing suicide. Over the course of several months I worried about her constantly, and I became consumed with how to help her and heal her mind. I became increasingly unaware of how distorted my thinking had become as I allowed myself to think and act in ways that are uncharacteristic and out of harmony with my core beliefs and values.

Rehabilitation

At the suggestion of the board I have taken a course in Transference/Countertransference as it relates to therapy and now realize that there are some Transference/Countertransference factors at play as well. Jane had been neglected by her mother and treated as a princess by her father, who also sexually abused her and later as a teenager in foster care rescued her from a sexually abusive home.

Having not previously been trained in Transference/Counter-Transference I did not realize that many of the strong parental feelings I had to protect and nurture a person who seemed like a helpless, fragile child were being unconsciously evoke by Jane and I was unconsciously responding to them. I am very grateful that the board recommended I take coursework in this area as it will be very helpful to me to observe the issues of Transference and Countertransference that come up in the future as well as help me to be a more effective therapist

I am fully responsible for the decisions that I made. The factors that I have outlined above in regards to my character, personality and my unmet emotional needs at the time were contributing factors, but do not excuse my decisions in anyway. At the time I rationalized to myself that I was acting out of compassion and I even somehow convinced myself that Jane's need was so severe and important that it took priority over the other commitments that I had made to my wife of 18 years and the moral teachings of my faith.

The natural consequences of the decision that I made were more severe than anything that any licensing board could impose. I lost my ability to provide well for myself and my family in the profession that I had spent over 11 years of college and graduate school preparing for. My marriage of 18 years ended in divorce, I hurt my children and damaged their trust in me. I was excommunicated from my church and my relationship with my family of origin and other friends was severely strained.

After several years of marriage to Jane I realized that her life was not significantly different with me than before I was part of her life. While I treated her with kindness, love and patience, her life was still filled with drama and chaos, and so was mine so long as I remained with her. I have since that time, divorced Jane. I have worked with leaders of my church for several years and was recently re-baptized back into the church, which has been a great strength to me all my life. I have apologized to my family, my ex-wife, my children and I am in the process of reconnecting and repairing my relationships with my children. My family of origin and my extended family have been extremely welcoming and supportive towards me during this difficult time.

I have been greatly humbled by this experience. I realize many things that I didn't know or fully appreciate before.

1. Emotional attraction can be just as dangerous as physical attraction, and I will be similarly aware and honest with myself when I experience such feelings and vigilant in ensuring that I always maintain appropriate professional boundaries with clients.

2. Emotional intimacy is just as important to me as sexual intimacy. Although, good clinical work often includes some emotional vulnerability and emotional intimacy, I will ensure that my emotional needs are being appropriately met through healthy relationships outside of work – and even if there are times when they are not, never compromise my therapeutic work or seek to get my needs met from a client.
3. There is great wisdom in consulting with others. I need to consult with colleagues regarding challenging clinical situations and consult with my religious leaders should I ever again feel that God has approved of behavior that my religious values would teach me to be ethically and morally wrong.

As I mentioned at the beginning of this letter there were several factors that contributed to my ethical violation and I have taken meaningful steps to address these factors

1. I have divorced Jane Doe and changed my phone number.
2. I spent many hours counseling with my church leaders, acknowledging my moral transgression and examining how I could have ever been temporarily convinced that my decisions were part of God's will. I have worked with my church leaders on a personal safety plan that includes consultation with trusted family and church leaders should I ever find myself spiritually confused in a similar way in the future.
3. I have been meeting regularly with a Life Coach—examining together the conditions that contributed to my poor choices. We have also focused on repairing my relationships with my children and working towards a cooperative co-parenting relationship with my children's mother. We have discussed characteristics I will look for in a future wife, including the ability to be emotionally intimate, now that I realize that this is something that is important to me in marriage.
4. I have been making a conscious effort to regularly participate in activities that are fun and that help me stay mentally and emotionally renewed. One of the CEU opportunities I selected was about therapist self-care (Healing the Healer), using humor and having a fun plan.

As I resume practicing mental health counseling I plan to ensure that I always have access to and participate in some type of consultation or supervision group so that if I find myself in situations that are challenging for me personally or professionally, I can seek the experience and wisdom of fellow professionals to make sure that my therapeutic decisions are those that will be best for my clients and myself.

In communication with Rich Oborn and Lee Avery of Utah DOPL I was assured that you have a record of my supervised experience and my passing score on the National MFT exam on file from my previous application and that it would not be necessary for me to

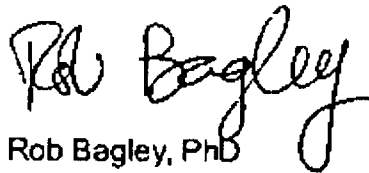
send any additional information regarding these two items. I have included sealed copies of my transcripts from Brigham Young University and University of Georgia.

As per the June 8, 2009 letter from DOPL I have completed continuing education on a variety of topics including "professional ethics, dual relationships and transference and countertransference in the practice of mental health therapy." Both the ethics course and the transference course that I took addressed the topic of dual relationships and how to maintain appropriate professional boundaries.

I have accrued over 70 hours of continuing education in the last four years – 40 hours in the last 5 months, and I am continuing to participate in a variety of continuing education opportunities. Upon the suggestion of Rich Oborn, I voluntarily participated in a psychological evaluation with Dr. Scott Fidler, PhD so that the board would have his professional opinion on the likelihood that I would be at risk to commit ethical violations of this type in the future.

I ask the board to approve my application for licensure, and I can assure the board that the ethical violation that I committed in 2008 will NEVER happen again.

Sincerely,

A handwritten signature in black ink that reads "Rob Bagley". The signature is written in a cursive, flowing style. The first name "Rob" is written with a large, stylized "R" and "B". The last name "Bagley" is written with a large, stylized "B" and "A". The signature is positioned above the printed name "Rob Bagley, PhD".

Rob Bagley, PhD

Exhibit F

Letters of support



Department of Psychological Science

1833 West Southern Avenue

Mesa, Arizona 85202

Phone 480-461 7032

May 10, 2013

Re: Rob Bagley, Ph.D.

To Whom It May Concern

It is with trust and confidence in Dr. Rob Bagley that I write this letter of support. I have visited with Dr. Bagley in person and on the phone four or five times during this last year. I have found him to be forthright about his personal and professional mistake and his desire to regain his professional license to counsel. He seems to be very rational and regretful for the compromise of his profession ethics and the poor choices he made professionally and privately. He also seems to be keenly aware of how important it is to maintain profession rules of conduct at all times and in all places with his clients.

Dr. Bagley seems to have adequate professional training and experience in counseling to be a successful professional counselor. I would be willing to have him work as a colleague at the Mesa Counseling Center if we had an opening in the future. I think Dr. Bagley is and will be, keenly aware of his responsibility to maintain the highest of profession ethics as he works with his clients. It seems appropriate that Dr. Bagley has had to answer important questions of the Utah Board of Behavioral Licensure. I feel confident that Rob has the skills, understanding, and now, the important reminder to be honorable in all professional and private behavior.

It is always unfortunate when mistakes are made by mental health professionals. It is also a good thing when great lessons are learned from the mistakes they have made. I have been a counselor for forty plus years and have witnessed a few individuals violate the professional ethics code with a client. I have also seen them be given a second chance to practice their profession and have observed how careful and strict they are in observing proper behavior with all their clients whether male or female. I think Dr. Rob Bagley, given the chance, will be very ethical and professional with all his clients in the future.

As a fulltime professor in the Psychological Science Department at Mesa Community College and as a practicing counselor for many years it is with confidence that I support Dr. Bagley being allowed to practice again. I think he has the training and ability to help many people work through their challenges in a positive manner.

Sincerely,

A handwritten signature in black ink, appearing to read "Wynne W. Call". The signature is fluid and cursive, with a large loop at the beginning and end.

Wynne W. Call, Ph.D.

Professor of Psychological Science at Mesa Community College
1 PC # 1414 State of Arizona



FALL CREEK

Skin and Health Clinic PLLC

Brett Bagley PA-C

phone 359-2263
fax 359-2012
556 Trejo Suite B
Rexburg ID 83410

May 10, 2013

To Utah Division of Occupational and Professional Licensing

My name is Brett Bagley. I own a medical practice in Rexburg, Idaho where I work as a Physician Assistant. I am the first cousin of Rob and have known him my entire life. When he became a marriage and family counselor I felt that it was the perfect job, career and fit for him and his personality, as a kind, caring, loving, compassionate family man. It came as a shock to everyone who knew Rob when 3-4 years ago he allowed himself to become emotionally entangled in a way that resulted in him making some very misguided decisions. These decisions affected his own marriage and family, career and reputation in a way that can never be repaired.

His immediate family, as well as his extended family, including me, knew that he would at some point come to his senses, see the light and realize the error of his ways. That time has come. Through my conversations with Rob and the letters of explanation and apology that he has written to his family, I feel confident that he is back and stronger because of what he has been through.

Interestingly, I think what he has experienced over the past 4 years will actually make him a better therapist once he is able to start practicing again. I have a great friend who struggled with drug and alcohol abuse and is now a drug and alcohol counselor. His experiences help him better relate and connect with his clients. I think that Rob's experiences, although not a recommended form of training, will help give him a unique perspective on counseling in the future.

I would strongly recommend that Rob Bagley, PhD, be allowed to return to counseling after he has satisfied the requirements of reinstatement by the Utah State Board of Medicine.

Sincerely,

Brett Bagley, PA-C
4301 Jud Street, Rexburg, Idaho 83440
208-680-2589 (bagfam7@gmail.com)

May 17, 2013

To the Utah Division of Occupational and Professional Licensing,

My name is Stacy Hemeyer and I am a life coach practicing in Mesa, Arizona. For the past three months I have had the pleasure of working with Rob Bagley.

I have known Rob for more than 20 years. I know and love his family and can attest that he was raised by loving parents in a supportive environment and continues to enjoy an exceptional support system today. The idea of Rob being a Marriage and Family counselor has always seemed like a natural fit based on how he was raised and how he has lived his life.

Unfortunately, a few years back, Rob allowed himself to become ensnared in a situation that cost him nearly everything he had. His judgment was clouded and he made choices that were contrary to the Rob we all knew and loved.

When Rob came to me for coaching, he had already come to the awareness of what he had done and he had a deep sense of grief and remorse. Through our coaching together, Rob has been working through the process of rebuilding his life and repairing the relationships he holds so precious. I have been especially impressed with the insights he has gained through all of this. I know he has emerged from this a stronger man, one with a greater sense of determination and a resolve to be conscientious in every aspect of his life.

I have always known that Rob was an exceptional counselor and I know he will be again. I know he will take what he learned here and use it to help others avoid some of the pitfalls of life. I believe his thinking is clear and focused and I know he will be a great asset to the people who seek his care.

I highly recommend that Rob Bagley's license be reinstated so that he can return to the work he was meant to do.

Thank you,

A handwritten signature in cursive script that reads "Stacy Hemeyer". The signature is written in black ink and is positioned above the printed contact information.

Stacy Hemeyer
1119 N. Alba Circle, Mesa AZ 85213
480 981 3535
stacy3az@hotmail.com

from the desk of

**ANDREW
BAGLEY**

May 19, 2013

To Utah Division of Occupational and Professional Licensing

address
1044 N Forest
Mesa, AZ 85203

tel 480-241-1303
email andrewbagley@gmail.com

My name is Andrew Bagley, I'm a Director at an Advertising agency in Tempe and I am one of Rob's younger brothers. When my wife and I were still in school we had the opportunity to live with Rob and his family in the summer of 2003. As newlyweds we admired Rob's values and parenting and on occasion sought his marital advice. We were as shocked as anyone by the actions that led to the loss of his license and we fully supported the board's decision to revoke Rob's license.

The years that followed resulted in the painful natural consequences that would be expected from such a lapse in judgment. With that pain came years of humility and remorse.

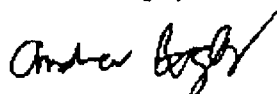
5 months ago Rob moved back to Arizona to be closer to his parents and siblings. Shortly after arriving Rob was gracious enough to help me with some large remodeling projects that required him to spend most of the day for weeks in my home with my wife and children. It became immediately apparent that the old Rob was back. If anything his painful life experiences have given him newfound perspective and wisdom.

For 40+ of his 44 years, Rob has led an exemplary life. He is an empathetic and gifted listener, and has always been sought after for his council and advice. I've been able to witness first hand his passion for his craft as he proactively looks for every opportunity to learn through reading, and classes how to be a better counselor.

4 years ago I was in strong support of Rob having his license suspended and now I am just as strongly in support of it being reinstated. Rob has learned from his mistakes and will be a gifted professional that will bless the lives of many through his empathetic nature and sage advice.

Sincerely,

Andrew Bagley



May 10, 2013

To whom it may concern

I am a sister to Robert Bagley who is reapplying for his marriage and family therapist license. I am writing in support of Rob being allowed to practice again. Because I am just two years younger than Rob in our family of eight children, I know him very well. I grew up with Rob and also lived in Utah near him for many of his married years. Rob's character has always been one of kindness and concern for others. He was a tremendous example and support to me all throughout my teenage years and into adulthood. Rob was always positive and loving and encouraging me to make wise choices. This was just the kind of person that he was. After he married and had children he continued to be an exemplary husband, father and friend. There was an exceptional amount of laughter and love in his home.

When Rob violated his ethical agreement in his profession it was a tremendous shock to everyone who knew him. The repercussions were traumatic and painful for many, including himself.

It has been a wonderful thing to have Rob fully recognize the poor choice that he made and begin his return back to his true self. I know the years after Rob left his family and profession were extremely difficult for him. He certainly suffered many consequences. One thing that did not change during this time was his desire to help others. Since Rob's return to Arizona he has been steadily working towards rebuilding relationships and working on getting himself in a position to begin counseling again. He has been single-minded in his desire to better himself and provide for his children. To spend time with him now is like spending time with him before the violation. It is a very recognizable difference.

I believe whole heartedly that Rob has learned from his past mistakes. He was a wonderful counselor in the past and I believe he will make a wonderful and caring counselor in the future if given the chance.

Thank you for your consideration,



Heidi Hemeyer

(435)671-3237

2185 Creekside Ct

Heber City, UT 84032



Performance Review Service Team Member

Name: Robert Bagley

Position Server

Date 3/29/13

Restaurant 1375

5 = Outstanding		4 = Highly Successful		3 = Successful		2 = Near Target		1 = Unsatisfactory		
Lives the Principles						5	4	3	2	1
						<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Treats guests and team members with respect and holds self and others to high standards by delivering and demonstrating Principles Work follows appropriate service standards and is performed according to job objectives Demonstrates and maintains a positive attitude 										
Delivers a Genuine Italian Dining Experience						5	4	3	2	1
						<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Host	<ul style="list-style-type: none"> Greets guests with a smile immediately upon their entrance to make them feel welcome, special, and appreciated Follows seating procedures appropriately to ensure servers are able to provide 100% Guest Delight Shows gratitude for the guest by responding to guest requests, compliments, and concerns before they leave 									
Server	<ul style="list-style-type: none"> Uses Suggest, Inform, and Endorse to provide great suggestions throughout the meal Follows Steps of Service at Lunch, Dinner, and with Large Parties Provides attentive, well-paced service to meet guest's needs 									
Bartender	<ul style="list-style-type: none"> Uses Suggest, Inform, and Endorse to provide suggestions throughout guests experience at the bar Supports servers in providing quality guest service by preparing drinks in a timely and accurate matter Follows the recipes accurately by using appropriate equipment to minimize alcohol waste 									
Busser	<ul style="list-style-type: none"> Cleans table, chair, and floor areas to ensure table readiness to deliver 100% Guest Delight Supports servers and elevates guest experience by assisting with pre-bussing and refills Stocks appropriate supplies in the service station to assist in providing guest service 									
To Go Specialist	<ul style="list-style-type: none"> Greets and communicates with guests using the phone and in person to make guests feel appreciated and special Delights guests by ensuring order accuracy and accurate quote times Accurately records and processes server checkout procedures using DASH while following cash handling policy 									
Commits to Hospitaliano! & Teamwork						5	4	3	2	1
						<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Delivers Fresh, Simple, and Delicious Italian Food by supporting Hot Food Go! Responds to guest situations in a professional and courteous manner Supports fellow team members to deliver 100% Guest Delight through teamwork Values everyone as family and friends by making team members feel Welcome, Special, and Appreciated 										
Sets the P.A.C.E.						5	4	3	2	1
						<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<ul style="list-style-type: none"> Is compatible, cooperative, and works well with others Complies with dress and appearance standards Comes to work on time and when scheduled Attends and actively participates in TIP/TOP, Family Gatherings, Skill Sessions, and All-restaurant meetings 										
Overall P.A.C.E. Setting Performance						5	4	3	2	1
						<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Key Strengths Robert, you know our menu well and follow the steps of service We thank you for that.

Opportunities & Development Plan Ask for help before its too late and it compromises our guests dining experience In times of increased volume you tend to get overwhelmed Otherwise you give great service to our guests

DO YOU UNDERSTAND YOUR TOTAL REWARDS?		INSURANCE <input checked="" type="checkbox"/>	MEALS <input checked="" type="checkbox"/>	VACATION <input checked="" type="checkbox"/>	DRP <input checked="" type="checkbox"/>
Team Member Signature	Reviewer's Signature	General Manager Signature		Date Entered Into PeopleSoft	
				3-29-13	

Exhibit G

June 2009 MFT license
denial letter



State of Utah
Department of Commerce

Division of Occupational and Professional Licensing

JOHN HUNTERMAN, JR.
Director

FRANCOISE GARDNER
Executive Director

EDWARD STANLEY
Deputy Executive Director

June 8, 2009

ROBERT BAGLEY
PO BOX 571356
MURRAY, UT 84157

Subject: Denial of application for Licensure as a Marriage and Family Therapist

Dear Mr. Bagley,

After a review of the information contained in your application for licensure as a Marriage and Family Therapist, the Division has determined that you have not met the qualifications for licensure and that you have engaged in unprofessional conduct. Therefore, your application for licensure as a Marriage and Family Therapist is properly denied. The criteria used to review your application and the basis for the denial are as follows:

Utah Code Ann. § 58-1-301(2) provides in relevant part as follows:

- (a) A license shall be issued to an applicant who submits a complete application if the division determines that the application meets the qualifications of licensure;
- (c) A written notice of denial of licensure shall be provided to an applicant who submits a complete application if the division determines that the applicant does not meet the qualifications of licensure.

Additionally, as stated in Utah Code Ann. § 58-1-301(3):

Before any person is issued a license under this title, all requirements for that license as established under this title and by rule shall be met.

Utah Code Ann. § 58-1-401 provides in relevant part as follows:

- (1) The division shall refuse to issue a license to an applicant and shall refuse to renew or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a licensee who does not meet the qualifications for licensure under this title;
- (2) The division may refuse to issue a license to an applicant and may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public or private reprimand to, or otherwise act upon the license of any licensee in any of the following cases:

- (a) the applicant or licensee has engaged in unprofessional conduct as defined by statute under this title.

Utah Code Ann. § 58-60-305(1) provides in relevant part that an applicant for licensure as a Marriage and Family Therapist shall

- (c) be of good moral character,

Utah Code Ann. § 58-1-501(2) defines "Unprofessional Conduct" in relevant part as conduct by an applicant for licensure including the following in relevant part

- (b) violating, or aiding or abetting any other person to violate, any generally accepted professional or ethical standard applicable to an occupation or profession regulated under this title.

Utah Admin. Code § R156-60b-502 identifies the following acts as "Unprofessional Conduct" for a licensed Certified Marriage and Family Therapist and a Marriage and Family Therapist as follows

- (5) failing to establish and maintain appropriate professional boundaries with a client or former client,
- (6) engaging in dual or multiple relationships with a client or former client in which there is a risk of exploitation or potential harm to the client,
- (7) engaging in sexual activities or sexual contact with a client with or without client consent,
- (8) engaging in sexual activities or sexual contact with a former client within two years of documented termination of services,
- (9) engaging in sexual activities or sexual contact at any time with a former client who is especially vulnerable or susceptible to being disadvantaged because of the client's personal history, current mental status, or any condition which could reasonably be expected to place the client at a disadvantage recognizing the power imbalance which exists or may exist between the marriage and family therapist and the client,
- (19) failure to abide by provisions 1 to 8 of the Code of Ethics of the American Association for Marriage and Family Therapy (AAMFT) as adopted by the AAMFT effective July 1, 2001 which is adopted and incorporated by reference

The Code of Ethics of the American Association for Marriage and Family Therapy (AAMFT) as adopted by AAMFT effective July 1, 2001, reads in relevant part as follows:

1.3 Marriage and family therapists are aware of their influential positions with respect to clients, and they avoid exploiting the trust and dependency of such persons. Therapists, therefore, make every effort to avoid conditions and multiple relationships with clients that could impair professional judgment or increase the risk of exploitation. Such relationships include, but are not limited to, business or close personal relationships with a client or the client's immediate family. When the risk of impairment or exploitation exists due to conditions or multiple roles, therapists take appropriate precautions.

1.4 Sexual intimacy with clients is prohibited.

1.5 Sexual intimacy with former clients is likely to be harmful and is therefore prohibited for two years following the termination of therapy or last professional contact. In an effort to avoid exploiting the trust and dependency of clients, marriage and family therapists should not engage in sexual intimacy with former clients after the two years following termination or last professional contact. Should therapists engage in sexual intimacy with former clients following two years after termination or last professional contact, the burden shifts to the therapist to demonstrate that there has been no exploitation or injury to the former client or to the client's immediate family.

In your application for licensure dated February 19, 2009, you answered "Yes" to question number 5 on the Qualifying Questionnaire regarding currently being under investigation by the Division of Occupational and Professional Licensing. Information obtained in the investigation indicated that as a Certified Marriage and Family Therapist Intern, you engaged in a sexual relationship with a female client, Jane Doe, beginning in about August 2008. The sexual relationship began approximately two weeks before a formal termination of therapy. Jane Doe is no longer a client, but you continue to engage in a sexual relationship with her and you have plans to marry Jane Doe. The Division finds that your conduct constitutes "unprofessional conduct" as defined in the above-referenced laws and the AAMFT Code of Ethics. The serious nature of the unprofessional conduct is found to provide a sufficient basis to deny your application for licensure as a Marriage and Family Therapist at this time.

It is recommended that you not reapply for licensure as a Marriage and Family Therapist for a period of at least three years after the date of this letter. If you decide to pursue licensure at that time, you will be required to submit a new and complete application with forms verifying experience and school transcripts. In addition, it is recommended that you submit documentation at that time confirming completion of continuing education regarding but not limited to subjects such as professional ethics, dual relationships, and transference and counter-transference in the practice of mental health therapy.

AGENCY REVIEW

Agency review of the denial of your request to obtain a license may be obtained by filing a request for agency review with Francine Grant, the Executive Director, Department of Commerce, PO BOX 146701 Salt Lake City, Utah 84114-6701, within 30 days of the date of this letter. The Executive Director may elect to conduct ordinary agency review or to convene a special appeals board.

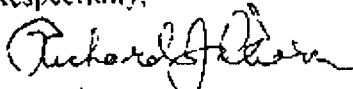
Please find enclosed instructions concerning agency review. The laws and rules governing agency review are found at Utah Code Ann. 58-1-402 and 63-46b-12 and Utah Admin. Code R151-46B-12.

**OPERATING AS A MARRIAGE AND FAMILY THERAPIST WITHOUT A LICENSE.
PENALTIES**

Please be advised that until and unless an application for licensure is completed and approved by the Division, you cannot legally be involved in working as a Licensed Substance Abuse Counselor. Pursuant to Utah Code Ann. § 58-1-502, any person working as a Marriage and Family Therapist without the appropriate license is guilty of a Class A Misdemeanor.

Please feel free to call me at the number below if you have any questions.

Respectfully,



Richard J. Oborn
Bureau Manager
Division of Occupational and Professional Licensing
(801) 530-6767
roborn@utah.gov

Exhibit H

February 2009 personal
narrative

6117664-3702

February 13, 2009

In regards to Marriage and Family Therapy License

Dear DOPL Licensing Board
Division of Occupational and Professional Licensing
160 East 300 South, 1st floor lobby
Salt Lake City, UT 84111

Dear DOPL Licensing Board,

SUBJECT INFORMATION RELATED TO ETHICS INVESTIGATION PLEADING & REQUEST
FOR GUIDANCE TOWARDS PATH TO LICENSURE

I am writing the board to seek guidance on the best path to achieve full licensure as a Marriage and Family Therapist. I have completed all of the requirements to be licensed during my period as a Certified Marriage and Family Therapist.

However, I committed a serious ethical violation by becoming romantically involved with a client. We are in love and engaged to be married shortly and consequently my licensure is under investigation by DOPL. It has been proposed that I lose my license for a period of up to 5 years. This is currently under negotiation with my lawyer and the DOPL office.

While it is my hope that a stipulation can be arranged involving a period of probation that does not require me to lose my license, I realize that there is a very real chance that I will not be allowed to practice for a period of up to 5 years.

I have spent over 15 years of my life preparing for a career in Marriage and Family Therapy. According to the feedback I have received from supervisors and clients I am a very effective therapist and have helped many clients in significant ways - particularly those who have experienced severe trauma. Furthermore, I am the father of six children who depend on me to provide for them and I desperately need the income that is possible with my license.

I acknowledge that I committed a serious ethical violation and I take responsibility for my actions. In the event that I am not allowed to practice therapy for a period of time, I am asking the board to lay out for me specifically what would be expected of me in order to successfully reapply for licensure after the period of disciplinary action is over.

It has been a life dream of mine to help people as a therapist. I want to do what is necessary to be able to use my skills and training to help people as a therapist in the future. Please provide me an outline of a path that would make this possible.

Sincerely,

Robert Bagley PhD

Robert Bagley, PhD
PO BOX 571356
Murray UT 84157

Exhibit I

Documents related to denial
of his Alaska MFT license



STATE OF ALASKA
DEPARTMENT OF
COMMERCE
COMMUNITY AND
ECONOMIC DEVELOPMENT

Division of Corporations, Business and Professional Licensing

Sarah Palin, Governor
Tim Nott, Commissioner
Lynne Smith, Director

March 17, 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert E. Bagley
PO Box 571356
Murray, UT 84157

RE: Application for licensure as a Marital and Family Therapist and for temporary Marital and Family Therapist licensure

Robert E. Bagley

The Alaska Board of Marital and Family Therapy reviewed your application for Marital and Family Therapist by examination (permanent license and temporary license) at their March 12, 2010 meeting. This application had previously been tabled waiting for review by our Investigations Unit.

Based on information received from the Board's Investigator, the Board determined that your application does not meet the applicable statutory and regulatory requirements. This denial is based on Alaska Statutes 08 63 210 (i), 08 63 210 (8), 08 63 100(a)(3)(A).

On your application, you answered "yes" to professional fitness question number four. The subsequent investigation showed your answers/explanation to be a misrepresentation of the facts (AS 08 63 210).

In addition, based on the investigative report and facts discovered regarding your license application in Utah, your license is denied based on both AS 08 63 100 (a)(3)(A) and AS 08 63 210(a)(8), due to the recent discovery of sexual misconduct with a client.

The Board is also denying your license, both temporary and permanent, based on Alaska Statute 08 63 120. As you were notified in a letter dated September 17, 2009, it was determined that your supervisor was not an approved Alaska Marital and Family Therapy supervisor. For your supervision time to be accepted, the supervision must be under an approved supervisor.

Robert E. Bagley

Page 2

March 17, 2010

The Alaska Administrative Procedure Act (APA), AS 44 62 provides you with a means by which you may appeal the Board's decision. Specifically, AS 44 62 370 allows you to initiate a hearing to determine whether a right, authority, license or privilege should be granted, issued, or renewed. If you request an administrative hearing, a hearing officer will be assigned to hear the matter. You or your attorney will be allowed to present arguments in support of your position, and the state's attorney will represent the Board's interests and position.

This letter should be considered a Statement of Issues as required by AS 44 62.370. If you intend to request a hearing, you must notify the Division, in writing, within fifteen (15) days of receipt of this notice. A Notice of Defense form is enclosed for your convenience. The Notice of Defense form and/or written notice must be sent to Jennifer Strickler, Division Operations Manager, Division of Corporations, Business and Professional Licensing, PO Box 110806, Juneau, Alaska, 99811.

Eleanor Vinson
Licensing Examiner
Board of Marital and Family Therapy

cc Martha Mendez, Investigator I
David Newman, Investigator
Karen Wilke, Paralegal
Cori Hondolero, Licensing Supervisor

PROFESSIONAL FITNESS

The following questions must be answered. "Yes" answers may not automatically result in license denial.

- | | Yes | No |
|--|-------------------------------------|-------------------------------------|
| 1 Have you ever been disciplined by any state board for any violation of the Marital and Family Therapy Practice Act or unethical conduct? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 2 Have you ever had a license to practice marital and family therapy revoked, suspended, restricted, surrendered, or limited? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 3 Have you ever had any malpractice settlements or judgments paid in your behalf? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 4 Have you ever been the subject of an investigation by any State Board or other licensing Agency concerning a violation or alleged violation of any state regulation, statute, or law or any violation or alleged violation of the Social Work Practice Act or unprofessional or unethical conduct? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 5 Within the past five years, have you received a felony conviction or received a misdemeanor conviction? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 6 Are you now or within the past five years have you been convicted of driving under the influence of alcohol, drugs, or chemical substances? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 7 Are you now or within the past five years have you been addicted to or excessively used, or misused alcohol, narcotics, barbiturates, or habit forming drugs? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 8 Are you now or within the past five years have you been treated for or hospitalized for emotional or mental illness, drug addiction, or alcoholism? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

If you answered "Yes" to any of the above questions, please explain dates and circumstances on a separate piece of paper, and send any supporting documents that are applicable (court records, etc.)

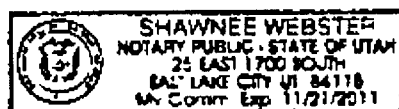
Please be advised that all information provided with this application will be available to the public unless required to be kept confidential by state or federal law.

I hereby certify that the information in this application is true and correct to the best of my knowledge. I understand that any false information may result in failure to obtain licensure as a marital and family therapist in Alaska, or subsequent revocation of my license.

Further, by my signature below, I acknowledge the Board of Marital and Family Therapy has made me aware of AS 47.17.020 and my duty to comply with that statute.

Robert Bagley PhD
 Signature of Applicant

SUBSCRIBED AND SWORN to before me, a Notary Public, in and for the State of Utah
 this 21st day of October, in the year of 2011.



Shawnee Webster
 Notary Public
 My Commission Expires 11/21/2011

WARNING: The Board of Marital and Family Therapy may deny, suspend, or revoke the license of a person who has obtained or attempted to obtain a license to practice marital and family therapy by fraud or deceit. The person may also be subject to criminal charges for perjury (AS 11-56-200).

In reference to professional fitness question #4

In October 2008 I was investigated for possible unprofessional conduct

No disciplinary action was taken as can be seen on the Utah Division of Occupational and Professional Licensing website

<http://www.dopl.utah.gov/>

I have included a copy of the status of my Utah license (same information as website, but includes MFT test score)

In August 2008 I quit my therapy job to stay home and take care of my fiancée who is battling cancer. In November 2008 I passed the National MFT Exam. In February 2009 and sent in my application for licensure in Utah but due to financial difficulties related to her illness, my check did not clear and my license expired.

My fiancée is a native of Alaska (Aleut tribe) and wants to return to Alaska to be near her family as she battles her illness. I am therefore seeking a license to practice Marriage and Family Therapy in Alaska.

Thank you,

Rob Bagley

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

BOARD OF MARITAL AND FAMILY THERAPY

MINUTES OF MEETING

March 12, 2010

By authority of AS 08.01 070(2), and in compliance with the provisions of AS 44 62, Article 6, a scheduled meeting of the Board of Marital and Family Therapy was held March 12, 2010, beginning at 9.00 a.m. The meeting was held at the 333 Willoughby Avenue, 9th Floor, Juneau, Alaska.

Call to Order/Roll Call

The meeting was called to order by Chair Patricia White at 9:00 am

Board Members present, constituting a quorum

Patricia White Licensed Marriage and Family Therapist
Father John Downing Public Member
Kenneth McCarty, Licensed Marriage and Family Therapist

Board Member absent

Larry Severson Licensed Marriage and Family Therapist (excused)
Wendy Hamilton Public Member (appeared briefly during afternoon session)

Attending from the Division of Corporations, Business and Professional Licensing were

Lynne Smith Director
Cathy Mason, Administrative Officer
David Newman Investigator (by telephone)
Eleanor Vinson, Licensing Examiner
Karen Wilke Paralegal

1. Review Agenda

Legislative Audit " was added to old business and "cost of license" was added to new business

On a motion duly made by Father John Downing, seconded by Kenneth McCarty, and approved unanimously, it was

RESOLVED to accept the agenda as amended

2 Review Minutes

The Board reviewed the minutes from the November 13, 2009 meeting

On a motion duly made by Kenneth McCarty, seconded by Father John Downing and approved unanimously, it was

RESOLVED to accept the November 13, 2009 meeting minutes as amended

3 Application Review

The Board reviewed applications and continuing education audits

On a motion duly made Father John Downing, seconded by Kenneth McCarty and approved unanimously, it was

RESOLVED accept the following applications

MARITAL AND FAMILY ASSOCIATE/PENDING

JAMES ATKINSON

CEU APPROVAL APPLICATION LIST

Barton Sloan

THE SCIENCE OF THE ART OF PSYCHOTHERAPY 12 CEUs

Leon Webber

International Institute for the Communication Arts

THE POETICS OF STRUCTURED COMMUNICATION IN COUPLE AND FAMILY THERAPY
12 CEUs

Co-Occurring Disorders Institute

ETHICS 6 CEUs

AKAMFT

Various Teleconferences 6 CEUs

Acceptance and Commitment Therapy

When to Refer to a Sex Therapist I

Avoiding Liability Part 1

Smart Women Creating Smart Relationships

Avoiding Liability Part II

Therapist As Life Coach

4 Investigator's Report

Investigator David Newman gave the report by telephone. There have been no new complaints opened since last meeting. There were two Investigations complaints closed since last meeting.

On a motion duly made Father John Downing, seconded by Kenneth McCarty and approved unanimously, it was

RESOLVED to go into executive session regarding case number 3550-09-001

The Board went into Executive Session at 10:40 am
Out of Executive Session at 11:20 am

On a motion duly made by Kenneth McCarty, seconded by Father John Downing and approved unanimously, it was

RESOLVED deny the application of Robert E. Bagley for Marital and Family Therapy licensure as well as for temporary licensure as a Marital and Family Therapist. This is based on investigative report and acts discovered. The denial is based on 08.63.100(a)(3)(A) due to recent discovery of sexual misconduct with a client, and 08.63.210(a)(8) – sexual misconduct, and 08.63.210(a)(1) – strong appearance of intentionally securing a license through deceit, misrepresentation. Denial is also based on not having an approved supervisor per 08.63.120.

5 Budget Report

Administrative Officer Cathy Mason gave the budget report. It was reported that the renewal fees may not have to be raised if the deficit continues to come down.

6 Paralegal Report

Paralegal Karen Wilke appeared before the Board and introduced herself. She has two open cases for this Board due to CEU non-compliance.

7 Public Comment

There was no public comment.

8 Old Business

a. Regulation change 12 AAC 19.130

There is a discrepancy between 08.63.120 and 12 AAC 19.130, in that the statutes says one must be licensed in Alaska ("under this chapter") to qualify to be an MFT supervisor. However, the regulation says you may qualify if you "hold a license to practice marital and family therapy in this state or another jurisdiction."

Sec. 08.63.120 Authorized supervisors. (a) A person may not supervise a person under this chapter unless

Exhibit J

March 2013 Psychological Evaluation